



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

**NOV 17 2017**

Freedom's Defense Fund  
Paul Kilgore, Treasurer  
824 S Milledge Avenue, Suite 101  
Athens, GA 30605

Dear Mr. Kilgore:

The Federal Election Commission ("Commission") has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that Freedom's Defense Fund and you, in your official capacity as treasurer ("Committee"), may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The Committee has been referred by the Commission to the Office of General Counsel for possible enforcement action under 52 U.S.C. § 30109.<sup>1</sup> Specifically, the Committee has been referred for the following issues that may be in violation of the Act and Commission regulations:

1. 2015 Year End Report: Schedule E disclosed calendar year-to-date per election for office sought discrepancies totaling \$303,850.39 for independent expenditures made.
2. 2016 Amended 3<sup>rd</sup> Quarter Report: Line 21(b) of the Detailed Summary Page disclosed \$131,207.27. Schedule B supporting Line 21(b) disclosed \$134,153.03 in disbursements, creating a \$2,945.76 discrepancy.
3. 2016 Amended 30 Day Post-General Report: Line 28(a) of the Detailed Summary Page disclosed \$11,940.00. Schedule B supporting Line 28(a) disclosed \$15,099.00 in disbursements, creating a \$3,159.00 discrepancy.
4. 2015 Mid-Year Report: The Committee failed to disclose seven (7) independent expenditures totaling \$162,159.41 as memo entries on Schedule E and incurred debt on Schedule D, which were publicly disseminated during this reporting period but disclosed as paid for on Schedule E of the 2015 Year-End Report.
5. 2015 Amended Mid-Year Report: The Committee failed to timely file required 48-Hour Reports for \$177,606.74 in independent expenditures disclosed on Schedule E.
6. 2015 Year-End Report: The Committee failed to provide a Schedule E for seven (7) independent expenditures totaling \$30,612.83 disclosed on seven (7) 48-Hour Reports. The Committee failed to file required 48-Hour Reports for \$396,697.23 in independent expenditures disclosed on Schedule E. Schedule D supporting Line 10 of the report disclosed an apparent credit from a vendor without explanation totaling \$25,980.82. Schedule E disclosed memo entries for independent expenditures totaling \$273,869.80, which were publicly disseminated prior to payment but failed to disclose a debt on Schedule D.
7. 2015 Amended Year-End Report: Schedule E disclosed memo entries for independent

<sup>1</sup> Notification of this referral is being provided to you pursuant to the Commission's Agency Procedure for Notice to Respondents in Non-Complaint Generated Matters, as published in the Federal Register on August 4, 2009 (74 Fed. Reg. 38,617).

- expenditures not disclosed on the original report totaling at least \$186,006.93, which were publicly disseminated prior to payment but failed to disclose a debt on Schedule D.
8. 2016 Amended 1<sup>st</sup> Quarter Report: The Committee failed to file required 48-Hour Reports for \$294,682.27 in independent expenditures disclosed on Schedule E. Schedule E disclosed memo entries for independent expenditures totaling \$181,265.06, which were publicly disseminated prior to payment but failed to disclose a debt on Schedule D.
  9. 2016 Amended 1<sup>st</sup> Quarter Report: Schedule D supporting Line 10 of the previous report disclosed four (4) debts totaling \$11,349.00 with outstanding ending balances; however, these debts were omitted from this report. Schedule D of the previous report disclosed a debt owed to a vendor with an outstanding ending balance of \$125,513.25. However, Schedule D of this report disclosed the outstanding beginning balance as \$151,494.17, resulting in a missing schedule of \$25,980.82. Schedule D supporting Line 10 of the report disclosed an apparent credit from a vendor without explanation totaling \$5,206.79. Schedule E disclosed memo entries for independent expenditures not disclosed on the original report totaling at least \$94,377.69, which were publicly disseminated prior to payment but failed to disclose a debt on Schedule D.
  10. 2016 Amended 2<sup>nd</sup> Quarter Report: Schedule E disclosed memo entries for independent expenditures totaling \$25,191.80, which were publicly disseminated prior to payment but failed to disclose a debt on Schedule D. The Committee failed to timely file required 48-Hour Reports for \$52,537.79 in independent expenditures disclosed on Schedule E.
  11. 2016 Amended 3<sup>rd</sup> Quarter Report: Schedule D supporting Line 10 of the report disclosed an apparent credit from a vendor without explanation totaling \$3,370.86. Schedule E disclosed memo entries for twenty-two (22) independent expenditures totaling \$165,338.95, which were publicly disseminated prior to payment but failed to disclose a debt on Schedule D. The Committee failed to timely file or file required 48-Hour Reports for \$219,106.13 in independent expenditures disclosed on Schedule E.
  12. 2016 Amended 12 Day Pre-General Report: Schedule E disclosed memo entries for one (1) independent expenditure totaling \$19,244.72, which was publicly disseminated prior to payment but failed to disclose a debt on Schedule D.
  13. 2016 Amended 30 Day Post-General Report: Schedule E disclosed memo entries for one (1) independent expenditure totaling \$18,526.00, which was publicly disseminated prior to payment but failed to disclose a debt on Schedule D. Schedule E supporting Line 24 disclosed payments totaling \$2,641.02 to one (1) vendor that were not disclosed on Schedule D supporting Line 10. The Committee failed file a required 24-Hour Report for \$12,010.38 in independent expenditures disclosed on Schedule E.
  14. 2016 Amended 3<sup>rd</sup> Quarter Report: The Committee failed to clarify \$13,950.00 in independent expenditures made where there were amount discrepancies between the 48-Hour Report entries and the entries disclosed on Schedule E.

We have numbered this referral

The Act affords you the opportunity to demonstrate in writing that no action should be taken against Freedom's Defense Fund and you, in your official capacity as treasurer, in this matter. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of

receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.<sup>2</sup>

Please note that you have a legal obligation to preserve all documents, records, and materials relating to the subject matter of the referral until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to one of the following (note, if submitting via email this Office will provide an electronic receipt by email):

**Mail**

Federal Election Commission  
Office of Complaints Examination  
and Legal Administration  
Attn: Christal Dennis, Paralegal  
999 E Street, NW  
Washington, DC 20463

OR

**Email**

CELA@fec.gov

<sup>2</sup>

The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).

If you have any questions, please contact Christal Dennis at (202) 694-1650 or toll free at 1-800-424-9530. For your information, we have enclosed a brief description of the Commission's preliminary procedures for processing possible violations discovered by the Commission.

Sincerely,

Jeff S. Jordan / *ph*  
Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination &  
Legal Administration

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